The lesbian paradox: homophobia, Empire, and the law in 1950s Britain

Rebecca Jane Morgan
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The women of the Gateways club in Chelsea, London, early 1950s.

In 1533, during the reign of Henry VIII, an Act of Parliament prohibited ‘the abominable vice of buggery’. This was the first piece of legislation in England specifically relating to what

would later be called ‘homosexuality,’ but it was limited to activity between men. Even after a renewed wave of legislation in the nineteenth century defined homosexual acts under the broader term ‘gross indecency,’ intimacy between women was never explicitly covered by the law’s proscriptions.[1]

The apparent inconsistency in the state’s approach to regulating sex prompted a few attempts in the 1920s and 1930s to criminalise lesbian liaisons as well. In 1921 the Conservative MP Frederick Macquisten proposed to expand the Criminal Law Amendment Act of 1885 to prohibit ‘gross indecency between female persons,’ believing that the ‘falling away of feminine morality was to a large extent the cause of the destruction of the early Grecian civilisation, and still more the cause of the downfall of the Roman Empire.’[2]

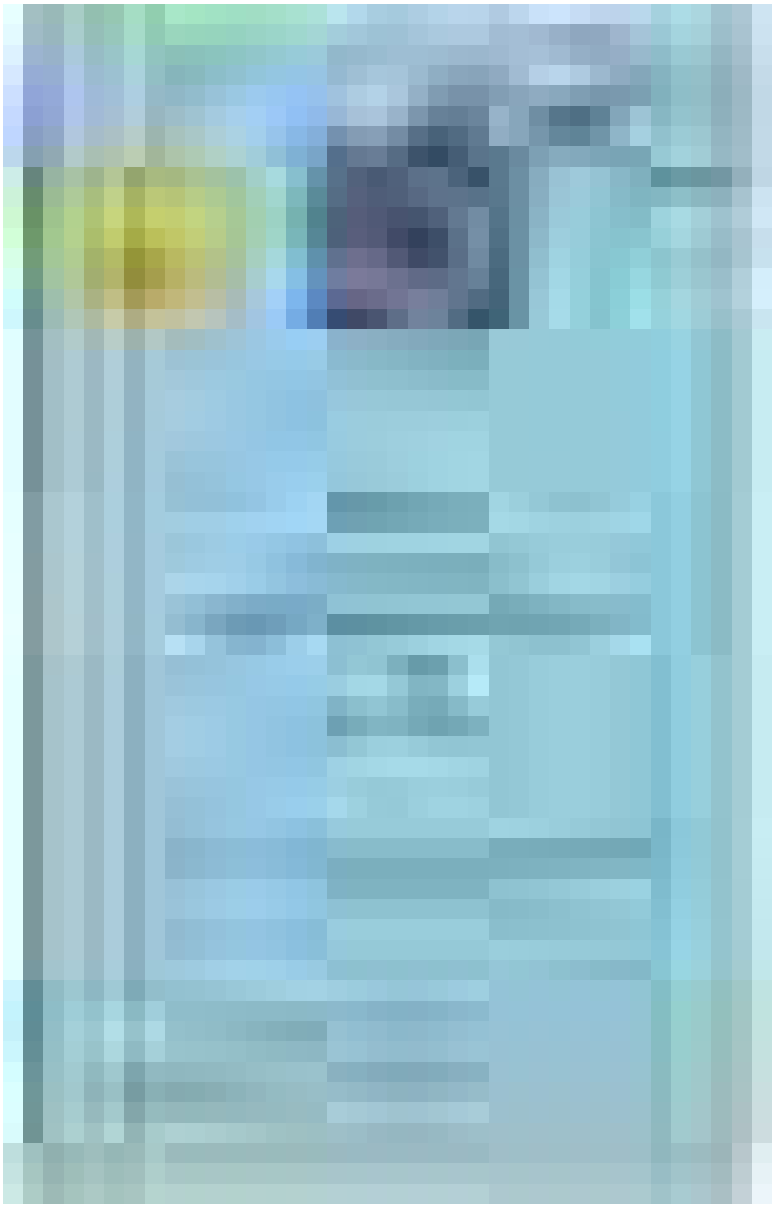
And in 1937, when arguing that homosexuality should become a legitimate reason for divorce, Viscount Dawson of Penn observed that the word ‘sodomy’ (by then more common than ‘buggery’) was problematic because it ‘involves the question of a rather vulgar crime which is only open to the male’. The law, he said, should achieve ‘equality of the sexes [and] ought to cut both ways, and it is as much a misfortune with the woman as it is with the man. You ought to protect the man against the Lesbian just as you protect a woman against a male homo-sexualist.’[3]

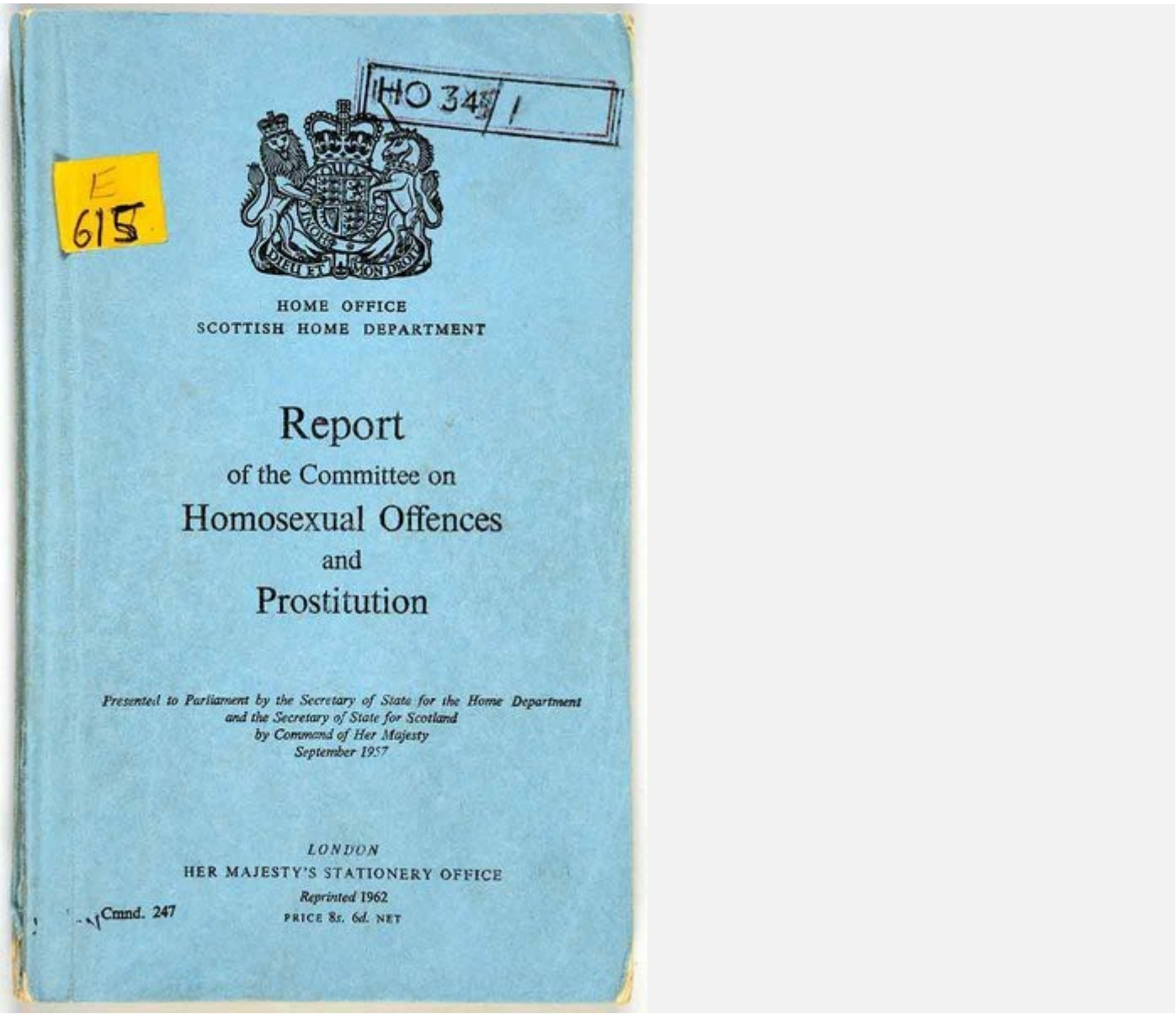
Neither attempt was successful. Macquisten’s proposal passed through the House of Commons but was defeated in the House of Lords. The Conservative Lord Chancellor, Frederick Smith, believed it best not to advertise lesbian relations because ‘of every thousand women, taken as a whole, 999 have never even

heard a whisper of these practices.’[4] Legislation would merely spread awareness of a vice that was, in his judgement, exceedingly rare.

This belief in female innocence continued to shape public discourse even when the issue of male homosexuality exploded into the mainstream of political consciousness in the 1950s. Although women were present on the Wolfenden Committee, established by the Conservative government in 1954 to study whether the laws on homosexuality and prostitution should change, the men on the committee felt it necessary to refer to homosexuals and prostitutes as ‘Huntleys’ and ‘Palmers' to avoid offending their supposedly delicate female sensibilities.[5]

To the shock of many traditionalists, the Wolfenden Report (1957) recommended that homosexual acts between men should be partially decriminalised.[6] In the heated public debates that followed, the views of women were rendered almost invisible. Discussion of this issue among women was almost as taboo as the issue itself. The Women’s Parliamentary Sub-Committee of the National Union of Conservative and Unionist Associations, for instance, recorded simply that the Report ‘was discussed briefly but no special points were raised’.[7] And when the House of Commons debated the Report in 1958, only one woman, Jean Mann of the Labour Party, ventured to speak about its recommendations on homosexuality.[8]





Front page of the ‘Wolfenden’ Report.

Given the near-monopoly that men had on Parliamentary speaking time and newspaper ink, it is perhaps not surprising that, of all aspects of the debate on homosexual law reform in the 1950s, the discussion of female homosexuality is among the least well-remembered. But it was during this decade that the prospect of criminsalising lesbian intimacy was buried once and for all. Moreover, the surprising fact is that the grave-diggers were not enlightened reformers or the heroes of most gay histories, but the most homophobic and unreformed of the patriarchal conservatives — the villains, if you will.

This is the 'lesbian paradox': that, for a brief moment in time, the old romantics, the high-Tories, the defiant guardians of Britain’s crumbling empire, and the most dogged opponents of decriminalising male homosexuality, found themselves in the strange position of defending lesbian relationships from the attacks of the reform lobby.

The arguments used by proponents of decriminalisation in the 1950s bear little resemblance to the humanistic rhetoric of the modern LGBT+ movement. Take Robert Boothby, for instance. A Scottish Conservative MP and one of the most energetic advocates for homosexual law reform in the fifties, Boothby was offended principally by the occasional prosecution of high-society homosexuals (the ‘most gifted citizens,’ as he called them[9]), and cared little for the working class homosexual ‘underground’ that bore the brunt of police harassment.[10] Reform-minded members of the political and social elite felt little compunction against attacking certain sexual minorities if it helped them alleviate the threat of arrest that hung over well-to-do gay men.[11]

This was the context in which the issue of homosexuality among women entered the discussion. While reformers frequently argued for the decriminalisation of male homosexuality on the grounds that female homosexuality was already legal, they sometimes emphasised this injustice by contending that female homosexual relationships were in fact *far worse.* The law had, if anything, got it the wrong way round.

The case was made most ardently by the Moral Welfare Council of the Church of England, which vocally supported decriminalisation. In its 1953 Interim Report on homosexuality it stated that the legal discrepancy between gay men and lesbians 'can hardly be accepted as tenable to-day,'[12] and it further elaborated its case in a booklet titled *Sexual Offenders and Social Punishment* (1956). 'While the male homosexual is heavily penalized for his offences,' the Council reasoned:

> the female homosexual is ignored, and can do what she wishes with impunity. Yet socially she is often dangerous. An older woman can dominate a younger, and she can compel her to acquiesce in a lesbian liaison which may ruin her life. Even more serious, a persistent lesbian can break up a marriage by seducing the wife, or by insinuating herself into the home.[13]

The Wolfenden Report itself included a nod to this argument when it stated that lesbianism, fornication, and adultery were equally likely as male homosexuality to cause 'disaster' within a family.[14] By juxtaposing the tolerance of one type of homosexuality with the persecution of another, reformers backed their opponents into a difficult logical corner. They effectively dared the anti-decriminalisation lobby to try to ban

intimacy between women — at a time when the political current was traveling strongly in the opposite direction.

The response of the traditionalists, however, was not what the reformers might have expected: most simply ignored them, but some set out to *defend* lesbian relationships. This created an extraordinary scenario in which the guardians of a law that ruined the lives of countless gay men were partly responsible for discrediting the idea that lesbian women should be treated the same way.

Quintin Hogg (then known as Viscount Hailsham), a Tory grandee and an opponent of decriminalisation, was among the first to contradict the Moral Welfare Council's view of lesbians. He argued that, whereas male homosexuality often results in the feminisation of men, 'a Lesbian is never, or at least seldom, other than a woman, and a very feminine woman at that'. Furthermore, he believed homosexual *conduct* (i.e. sexual intimacy) to be absent from lesbian relationships, meaning lesbianism was 'not, in truth, wholly analogous' to male homosexuality.[15]

Officials from the War Office, despite arguing in their evidence to the Wolfenden Committee that the decriminalisation of male homosexuality would unleash a wave of vice in the armed services, shared Hailsham's benign view of lesbians:

> The War Office do not consider that there is any major homosexual problem in relation to the women's services and they would be

> opposed to any suggestion that Lesbianism should be an offence in the Army. In the case of women, ignorant but perfectly harmless behaviour may well be misconstrued; to have such cases subject to discipline rather than to guidance and common sense treatment would, it is felt, be far more harmful than the present administrative arrangements under which only serious cases are dealt with and which, if anything, err on the side of leniency.[16]

After the Wolfenden Report was published in 1957, traditionalist Members of Parliament followed in Hailsham's footsteps by drawing a clear distinction between male and female homosexuals. Whereas Godfrey Lagden described male homosexuals as 'a dirty-minded danger to the virile manhood of this country,'[17] William Shepherd, another opponent of reform, argued that lesbian relationships 'in many cases supply a social purpose, because they tend to be much more lasting or permanent than homosexual associations'.[18]

The belief that lesbians posed less of a threat to traditional gender roles than gay men displays how little the establishment actually knew about lesbian culture. In clubs like the Gateways in London, for example, it was already common in the 1950s for some women to dress like fashionable men,[19] and to form

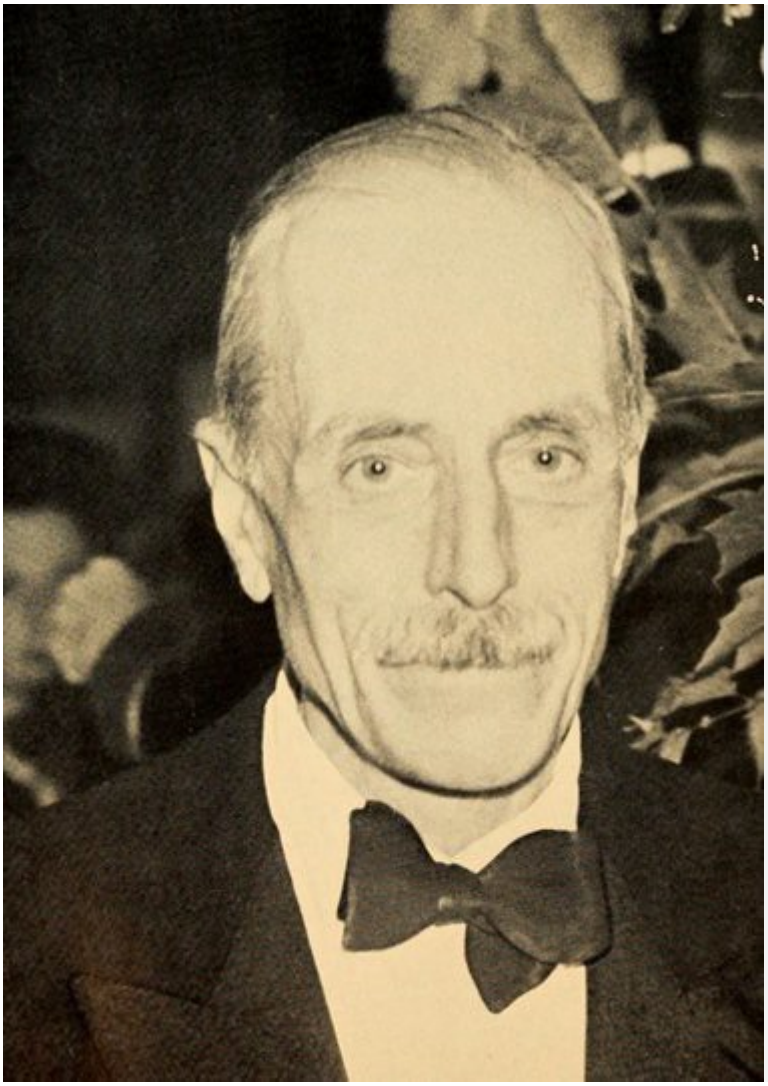
relationships on a ‘butch-femme’ paradigm.[20] Still, in the high-political bubble the assumption prevailed that lesbians were rare and harmless, which seemed to justify their different position in relation to criminal law. As the distinguished Barrister Lord Denning put it during a debate on homosexual law reform: ‘Dangerous driving of a motor car is a crime, but furious driving with a horse and cart is not.’[21]

Traditionalist obsession with the perceived femininity of homosexual men, and their relative lack of interest in the lives of homosexual women, was also a reflection of broader discourses on Empire in postwar Britain. Imperialism was heavily associated with masculinity, to the extent that some sincerely believed that male homosexuality was to blame for its decline in the twentieth century.

In his publications for the League of Empire Loyalists, A. K. Chesterton hinted at this link by presenting Britain’s fall ‘from world masterdom to satellite status’ in gendered terms. During the golden age of Empire, he wrote, ‘John Bull enjoyed the respect of our fathers because he insisted upon British sovereignty. He was master in his own house, and he held that house inviolate.’ But this manly dominance was ruined by the arrival of ‘Cosmopolitanism’ and ‘alien plutocracy’.[22] In other words, the Empire was falling apart because patriarchal masculinity was being undermined in the mother country.

Edward Turnour, 6th Earl Winterton, described by his biographer as a ‘Tory iconoclast,’[23] made this argument more explicitly. He told the House of Lords in 1954 that ‘few things lower the prestige, weaken the moral fibre and injure the physique of a nation more than tolerated and widespread

homosexualism’. If Britain were to decriminalise male homosexuality, he insisted, the country would ‘lose [its] influence for good in the world, and [it] should go the way of other countries [which] were once great but became decadent through corrosive and corrupting immorality’.[24]



6th Earl Winterton, from his biography.

Contrary to Macquisten's warnings about the demise of Greek and Roman civilisation in the 1920s, Winterton and Chesterton did not detect the same existential threat from the toleration of lesbian relationships because, in their hyper-masculine worldview, the moral health of women seemed less pivotal to the rise and fall of empires. This was a crisis of masculinity, not a crisis of femininity.

Their views were consistent with contemporary sexual theory which saw women, in the words of historian Thomas Laqueur, as 'less in the thralls of passion and unreason'.[25] Women were thought to be sexually more passive,[26] and lesbian relationships were therefore thought to be less insidious by polite society. As

Michael Schofield, under the alias Gordon Westwood, wrote in his book *Society and the Homosexual* (1952): ‘there is a vague and unspoken idea among some people that two women who indulge in a certain amount of sex play are doing no more than day-dreaming until the right man comes along’.[27] This belief, though certainly inaccurate, offered traditionalists a degree of comfort regarding romantic and sexual liaisons between women.

There was also a purely strategic element to it. As medical, legal, and political opinion increasingly rallied around the concept of ‘permissiveness’ — of allowing ‘vice’ so long as it was kept private — the chances of success for any effort to criminalise lesbian sex were vanishingly small. It became necessary for anti-reformers to explain away the apparent inconsistency of the law in order to defend the status quo.

One way or another, the prospect of formally criminalising sexual intimacy between women, which had always been unlikely, died for good in the 1950s. When the Home Secretary R. A. Butler was asked by an MP about the matter in 1960, he replied dryly that there were ‘no sufficient grounds for legislation on female homosexuality’.[28]

Seven years later, intimacy between men was partially decriminalised in what is often regarded as Britain’s first step on the long road towards LGBT+ liberation. In history, however, the things that *didn’t* happen are sometimes just as important as the things that did. While many other countries have explicitly banned same-sex intimacy between women at one

time or another, Britain never has — albeit for less-than-laudable reasons.

Notes

1. Jeffrey Weeks, *Sex, politics and society: the regulation of sexuality since 1800*, (London: Longman, 1985), pp. 99–108.
2. Quoted in Alison Oram and Annmarie Turnbull, *The lesbian history sourcebook: love and sex between women in Britain from 1780 to 1970*, (London: Routledge, 2001), p. 166.
3. Quoted in Paul Johnson and Robert Vanderbeck, *Law, religion and homosexuality*, (London: Routledge, 2014), p. 41.
4. House of Lords debate, 15 August 1921, vol. 43, c. 574.
5. Patrick Higgins, *Heterosexual dictatorship: male homosexuality in postwar Britain*, (London: Fourth Estate, 1996), p. 17.
6. The National Archives: HO 345/1, Wolfenden Committee, Report of the Committee on Homosexual Offences and Prostitution, 4 September 1957, p. 25.
7. Conservative Party Archives: CCO 170 1/5/1, Minutes of Women’s National Advisory Committee, Parliamentary Sub-Committee, 12 December 1957 and 12 March 1958.
8. House of Commons debate, 26 November 1958, vol. 596, c. 448.

9. Robert Boothby, *Boothby: recollections of a rebel*, (London: Hutchinson of London, 1978), p. 25.

10. Churchill Archives Centre: HLSM 2/7, Lord Hailsham's political correspondence with Members of Parliament.

11. See Matt Houlbrook's discussion of 'respectability' in *Queer London: perils and pleasures in the sexual metropolis, 1918–1957*, (Chicago and London: University of Chicago Press, 2005).

12. Church of England Moral Welfare Council, *The problem of homosexuality: an interim report by a group of Anglican clergy and doctors*, (London: Church Information Board, 1953), p. 20.

13. D. S. Bailey, *Sexual offenders and social punishment*, (London, Church Information Board, 1956), p. 35.

14. Report of the Committee on Homosexual Offences and Prostitution, p. 22.

15. Viscount Hailsham, 'Homosexuality and society' in Rees and Usill [eds.], *They stand apart: a critical survey of the problems of homosexuality*, (London: William Heinemann, 1955), p. 33.

16. The National Archives: ADM 1/25754, Committee on Homosexual Offences and Prostitution: Memorandum by the War Office.

17. House of Commons debate, 29 June 1960, vol. 625, c. 1474.

18. House of Commons debate, 26 November 1958, vol. 596, c. 428.

19. Jill Gardiner, *From the closet to the screen: women at the Gateways club 1945–85*, (London: Panorama, 2003), pp. 48–67.

20. Sheila Jeffreys, 'Butch and femme: now and then' in Lesbian History Group, *Not a passing phase: reclaiming lesbians in history 1840–1985*, (London: The Women's Press, 1989), pp. 158–187.

21. House of Lords debate, 4 December 1957, vol. 206, c. 808.

22. A. K. Chesterton, *Stand by the Empire: a warning to the British nations*, (Surrey: Candour Publishing, 1954), p. 15.

23. A. H. Brodrick, *Near to greatness: a life of the sixth Earl Winterton*, (London: Hutchinson of London, 1965), p. 251.

24. House of Lords debate, 19 May 1954, vol. 187, cc. 744–5.

25. Thomas Laqueur, *Making sex: body and gender from the Greeks to Freud*, (Cambridge [MA] and London: Harvard University Press, 1990), p. 203.

26. Faramerz Dabhoiwala, *The origins of sex: a history of the first sexual revolution*, (London: Penguin Books, 2013), p. 354.

27. Gordon Westwood, *Society and the homosexual*, (London: Gollancz, 1952), p. 24.

28. House of Commons debate, 9 May 1960, vol. 623, c. 25W.